

There being no further business, it was moved by Councilman Alford, seconded by Councilman Wolf, that the Council recess subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Bartholomew absent, 1.

The Council then recessed at 1:15 P. M.

Attest:

Walter McKeen
City Clerk

Approved: Tom Miller
MAYOR.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 7, 1935.

The meeting was called to order at 10:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the regular meetings of January 17th, 24th, and 31st were read and Councilman Gillis moved that same be approved as read. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The request of Councilman Bartholomew, that the Minutes of this meeting show that while he was absent at the last regular meeting he approved the action of the City Council and would have voted with the Council on all matters had he been present, was unanimously approved.

Councilman Wolf offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in JULIUS STREET, beginning at a point 16 feet south of and 15 feet west of the intersection of the north line of Canterbury Street and the east line of Julius Street;

Thence in a southerly direction with the centerline of said gas main, which centerline shall be 15 feet west of and parallel to the east line of said Julius Street, for a distance of 106 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in TERRACE DRIVE, beginning at a point 19 feet south of and 131 feet west of the intersection of the north line of said Terrace Drive and the west line of East Side Drive;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 19 feet south of and parallel to the north line of said Terrace Drive for a

distance of 63 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in EAST ELEVENTH STREET, beginning at a point 20 feet south of and 89 feet east of the intersection of the north line of East 11th Street and the east line of East Avenue;

Thence in a westerly direction with the centerline of said gas main, which centerline shall be 20 feet south of and parallel to the north line of East 11th Street, for a distance of 77 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points: When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE DEFINING THE DUTIES OF RAILWAY COMPANIES IN REGARD TO THEIR TRACKS AT, IN AND OVER STREET CROSSINGS IN THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, the State Highway Department of the State of Texas is desirous of constructing State Highway No. 2 from Live Oak Street to the south city limits through the City of Austin over Congress Avenue; and

WHEREAS, the State Highway Department is desirous of receiving Federal Aid for the improvement of said highway; and

WHEREAS, the Bureau of Public Roads of the Department of Agriculture of the United

States of America will not participate in the construction of said highway until and unless the City of Austin will agree to refrain from permitting encroachments upon the right-of-way of said above mentioned street, and until and unless the City of Austin will agree to refrain from passing ordinances or laws fixing a speed limit of under twenty miles per hour on said above mentioned street, and until and unless the City of Austin will agree to refrain from erecting signs, semaphores, and signals that will give preference to local routes or that will hinder or delay traffic on said above mentioned street; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT, for and in consideration of the State Highway Department of the State of Texas and the Bureau of Public Roads of the Department of Agriculture of the United States of America constructing said Highway No. 2 from Live Oak Street to the south city limits through the City of Austin over Congress Avenue, it hereby agrees with the State Highway Department of the State of Texas and the Bureau of Public Roads of the Department of Agriculture of the United States of America that it will not, in the future, permit encroachment on the right-of-way of said above mentioned street; nor will it pass an ordinance or laws fixing a speed limit on the above mentioned street of under twenty miles per hour; nor will it allow the erection of signs, semaphores, and signals that will give preference to local routes which intersect with said above mentioned street nor that will slow up, hinder, or delay traffic on said above mentioned street; nor will it repeal or amend any of the provisions of this resolution without the consent of the State Highway Commission.

The foregoing resolution was read and upon motion of Councilman Wolf, seconded by Councilman Gillis, the same was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, the State Highway Department of the State of Texas is desirous of constructing State Highway No. 20 through the City of Austin over Evergreen Street and Barton Springs Road; and

WHEREAS, the State Highway Department is desirous of receiving Federal Aid for the improvement of said highway; and

WHEREAS, the Bureau of Public Roads of the Department of Agriculture of the United States of America will not participate in the construction of said highway until and unless the City of Austin will agree to refrain from permitting encroachments upon the right-of-way of said above mentioned street, and until and unless the City of Austin will agree to refrain from passing ordinances or laws fixing a speed limit of under twenty miles per hour on said above mentioned street, and until and unless the City of Austin will agree to refrain from erecting signs, semaphores, and signals that will give preference to local routes or that will hinder or delay traffic on said above mentioned streets; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT, for and in consideration of the State Highway Department of the State of Texas and the Bureau of Public Roads of the Department of Agriculture of the United States of America constructing said Highway No. 20 through the City of Austin over Evergreen Street and Barton Springs Road, it hereby agrees with the State Highway Department of the State of Texas and the Bureau of Public Roads of the Department of Agriculture of the United States of America that it will not, in the future, permit encroachment on the right-of-way of said above mentioned street; nor will it pass an ordinance or laws fixing a speed limit

on the above mentioned street of under twenty miles per hour; nor will it allow the erection of signs, semaphores, and signals that will give preference to local routes which intersect with said above mentioned street nor that will slow up, hinder, or delay traffic on said above mentioned street; nor will it repeal or amend any of the provisions of this resolution without the consent of the State Highway Commission.

The foregoing resolution was read and upon motion of Councilman Wolf, seconded by Councilman Alford, the same was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the Board of Adjustment was read:

"Austin, Texas
February 6, 1935

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

Attached hereto is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on February 4, 1935, in regard to the changing of the Use designation of property located on the east side of Parkway approximately 135 feet north of West 12th Street.

Respectfully submitted,

BOARD OF ADJUSTMENT

by (Sgd) H. F. Kuehne,
Chairman . "

(Resolution attached)

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the Zoning Ordinance of the City of Austin, has referred to the Board of Adjustment for its consideration and report thereon a petition of E. P. Thomas, Austin, Texas, requesting the change in the Use designation of the following property from "B" Residential District to "C" Commercial District:

102 feet of property on Parkway approximately 135 feet north of West 12th Street;
and

WHEREAS, the Board of Adjustment of the City of Austin at its meeting held on Monday, February 4, 1935, carefully considered the question of changing the Use designation of this property from "B" Residential to "C" Commercial; and

WHEREAS, after viewing the property and carefully studying the conditions and development surrounding this property and considering the same from all points of view of sound zoning principles;

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the zoning designation of this property be not recommended and that the present classification remain in full force and effect for the following reasons:

1. This property lies adjacent to an existing commercial use to which it would be an extension of the existing use into the present residential area without any transition or thoroughfare between it and the adjacent residential property and without a corresponding change on the opposite side of the street.
2. That 12th Street from West Avenue to Enfield Road, including the four corners of the intersection of 12th Street and Ruiz and Enfield Road, is now zoned for commercial purposes and that this area is not yet fully developed for such use and there is considerable vacant property suitable for the expansion of this commercial district.
3. That this commercial area is in the nature of a neighborhood center and being partially developed is quite ample for meeting the commercial needs of this area.
4. That property values have now been well established on the basis of the present zoning and that the expansion of the commercial area would have a detrimental effect upon such values.
5. That the zoning of this single piece of property would benefit one property owner only at the possible expense of surrounding property owners and would not enhance the value or benefit the adjacent property owners.
6. That this property is still suitable for residential purposes if the proper height and area regulations are observed with respect to any improvements placed thereon.

7. That this intersection is on a heavy traffic thoroughfare and the width of the street and nature of the intersection already has created a dangerous traffic situation and that the extension of any business up Enfield Road would further enhance such traffic hazards, thus endangering public safety.

Respectfully submitted,

(Sgd) H. F. Kuehne,
Chairman Board of Adjustment. "

It was moved by Councilman Gillis, seconded by Councilman Bartholomew, that the foregoing report of the Board of Adjustment be approved, and the application of the said E. P. Thomas for a change in the Use designation of one hundred and two feet of property on Parkway, approximately one hundred and thirty-five feet north of 12th Street, from Residence "B" to Commercial "C" be denied. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none.

The following communication from the Board of Adjustment was read:

"Austin, Texas
February 6, 1935

Hon. Mayor and City Council
Austin, Texas.

Gentlemen:

Owing to the frequent agitation for the change of the zoning designation of the property on Congress Avenue between 13th and 14th Streets, and the frequent appeals brought to the Board of Adjustment for the granting of variations and permits for non-conforming uses, the Board has made a careful study of the status of this property and has come to the conclusion that it would be desirable at this time to change the zoning of this property; therefore begs to submit, for the consideration of the Council the attached resolution.

Respectfully submitted,

BOARD OF ADJUSTMENT

by (Sgd) H. F. Kuehne,
Chairman. "

(Resolution attached)

"WHEREAS, the Board of Adjustment of the City of Austin, at a regular meeting held on January 8, 1935, carefully considered the question of changing the Use designation of the quarter-blocks abutting on Congress Avenue between 13th and 14th Streets from "B" Residential District to "C" Commercial District; and

WHEREAS, repeated applications for use of this property for commercial purposes have been filed with the Building Inspector and referred to the Board of Adjustment; and

WHEREAS, the Board of Adjustment has granted certain temporary permits for commercial uses and extensions to existing non-conforming uses; and

WHEREAS, the opposition formerly voiced against such permits and such commercial uses of this property has practically ceased; and

WHEREAS, there will continue to be a constant demand for the use of this property for further commercial purposes; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the character of this property is now sufficiently changed to justify the re-designation of its use to a "C" Commercial district for the following reasons:

1. That this property on both sides of Congress Avenue is now actually used almost entirely for commercial purposes.

2. That any further objectionable commercial uses, such as filling stations, are subject to further control by the City Council through other ordinances, and its discretionary powers.

3. That it is evident that the commercial character of this property is now well established and a constant demand for such use will prevail in the future.

4. That by virtue of the existing conditions this property is not well adaptable for residential purposes.

5. That such change in use could not further adversely affect the surrounding property.

6. That to change the Use designation of the full frontage on both sides of the street would avoid any future spot zoning and the necessity for granting temporary permits and extensions to present non-conforming uses.

7. That it is now apparent that the boulevarding of Congress Avenue from the Capitol to the Littlefield Memorial Fountain as originally shown in the City Plan is extremely remote.

8. That in view of the above facts, conditions, and circumstances, the Board of Adjustment deems it desirable to change the Use designation of this property from "B" Residential to "C" Commercial, and recommends such a change to the City Council of the City of Austin under provisions of Section 30 of the Zoning Ordinance of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

by (Sgd) H. F. Kuehne,
Chairman. "

Councilman Gillis moved that the foregoing report of the Board of Adjustment be approved and the City Attorney be directed to prepare the necessary resolution in accordance therewith. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

ADDING RATE "G" TO THE SCHEDULE OF
RATES TO BE CHARGED FOR SERVICE OF
ELECTRICITY FOR LIGHTING AND POWER
HERETOFORE ADOPTED BY THE CITY
COUNCIL.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the following rate shall be added to the schedule of rates adopted by the City Council on January 17, 1935, and same is hereby adopted, to be effective at once:

RATE "G"

LIMITED INDUSTRIAL POWER SERVICE:

Demand Charge:

\$2.25 net per month per KW of maximum demand which includes the use of 225 KWH per KW of maximum demand.

Energy Charge:

7 mills net per month per KWH for the excess KWH.

Minimum Monthly Charge:

The net minimum amount to be paid by the consumer to the City of Austin for service rendered during any billing period shall be equivalent to the demand charge as determined by the consumer's maximum demand.

Maximum Demand:

The term "Maximum Demand" for any billing period, as used in this rate, shall be the greatest average 15-minute peak recorded in any one month by the instrument or instruments installed by the City of Austin for such purpose, but in no event shall this demand be less than the greatest maximum demand so established within the twelve-month period immediately preceding any such billing period; provided, however, that this maximum demand,

for billing purposes, shall not be less than 200 KW.

Service Voltage:

Service under this schedule will be three phase, 60 cycle alternating current at a nominal voltage of 2300, 4000, or 11,000 volts.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no further business, Councilman Alford moved to recess subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed at 11:15 A. M.

Attest:
Hallie McKellar
City Clerk

Approved: Tom Miller
Mayor.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, February 14, 1935.

The meeting was called to order at 10 o'clock A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 4; absent, C. F. Alford, 1.

The Minutes of the last regular meeting were read and upon motion of Councilman Gillis were adopted as read by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

A. W. Harris, Architect, submitted plans for a gasoline filling station to be constructed by S. Ferris at 504-6-8 East 6th Street. Councilman Gillis moved that the permit be granted, subject to the approval of the plans and specifications by the Engineering Department. The motion carried by the following vote: Ayes, Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; nays, none; Councilman Alford absent, 1.

Councilman Gillis offered the following resolution:

WHEREAS, Dr. E. C. Barker, acting by and through H. F. Kuehne, Architect, has made application to the City Council of the City of Austin for permission to construct two commercial driveways across the east sidewalk area of Rio Grande Street south of West 24th Street adjacent to property owned by said Dr. E. C. Barker, which property is known as the west 60 feet of Lots 1 and 2, of Horst's Subdivision of Outlot 37, Division "D", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which driveways are shown upon the plan hereto attached marked 2-H-423, which plan is made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting